

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 23, 2010

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Diane Quigley, Chair
Sandra Johnson
Richard Pruitt
John C. Harry
H. Glenn James
Ryan A. Myers
Betsy Critzer

Board member not present:

Harry Lewis, Jr.
Douglas Mullins, Jr.

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Bonnie Rhea Adams, Director of Complaint
Analysis, & Resolution
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Chair Diane Quigley called the meeting to order at 10:09 AM.

Call to Order

A motion was made by Mr. Harry and seconded by Mr. Pruitt to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, James, Pruitt, Harry, Myers and Quigley.

Approval of Agenda

A motion was made by Ms. Critzer and seconded by Mr. Pruitt to approve the following minutes: November 10, 2009, Board Meeting;

Approval of Minutes

December 8, 2009, Informal Fact-Finding; December 16, 2009, Informal Fact-Finding Conference; January 6, 2010, Informal Fact-Finding Conference; January 11, 2010, Informal Fact-Finding Conference; and January 14, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Critzer, James, Pruitt, Harry, Myers and Quigley.

Mark Strickland advised the Board that Chris Call was awarded VAR 2009 Appraiser of the Year. A motion was made by Mr. Harry and seconded by Mr. Pruitt to send a congratulatory letter to Mr. Call. The motion passed unanimously. Members voting "Yes" were Critzer, James, Pruitt, Harry, Myers and Quigley.

Public Comment

Jayne Allen addressed the Board reporting on the Appraisal Foundation meeting. No action was taken by the Board.

George Dodd, Virginia Commonwealth Chapter of Appraisal Institute, offered the Board assistance in reviewing disciplinary cases. No action was taken by the Board.

Sandra Johnson arrived at 10:12 A.M.

Arrival of Board Member

Wayne Daly addressed the Board concerning licensed Appraiser instructors who have had disciplinary violations. No action was taken by the Board.

Public Comment

In the matter of **File Number 2010-01638, Muhammed Khan**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Khan was present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Khan's application for a Certified Residential Appraiser license with the correction to the Summary of the Informal Fact-Finding Conference to read Khan was the applicant and not the respondent. The motion passed unanimously. Members voting "Yes" were Critzer, Johnson, Pruitt, Harry, Myers and Quigley.

**File Number 2010-01638,
Muhammed Khan**

As the presiding Board member, Mr. James did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-02170, Brenda Nguyen**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Nguyen, applicant, and David Warrington, attorney for respondent, were present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Nguyen's application for a Certified Residential Appraiser license with the following amendment: Ms. Nguyen's license is subject to an agreement for licensure wherein Ms. Nguyen will not supervise any trainees until the Consent Order associated with File Number 2007-05152, has been satisfied, also noting a correction to the Summary of the Informal Fact-Finding Summary to read "suspended by the Board for a period of 60 days" instead of six months, and Ms. Nguyen is the applicant instead of the respondent. The Order prohibits Nguyen from supervising trainees until December 2010. The motion passed unanimously. Members voting "Yes" were Critzer, Johnson, Pruitt, Harry, Myers and Quigley.

File Number 2010-02170,
Brenda Nguyen

As the presiding Board member, Mr. James did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-01556, Kenneth Gusler, Jr.**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Gusler, applicant, was present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Gusler's application for a Certified Residential Appraiser license with the following amendment: Mr. Gusler's license is subject to an agreement for licensure wherein Gulser will not supervise any trainees with the approval of the license; and Gusler shall provide to the Board on a quarterly basis, four appraisals reports completed during each quarter, for a period of one (1) year from the effective date of the Licensure Agreement. The motion passed by majority vote. Members voting "Yes" were Critzer, Johnson, Harry, Myers and Quigley. Member voting "No" was Pruitt.

File Number 2010-01556,
Kenneth Gulser, Jr.

As the presiding Board member, Mr. James did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-02308, Robert Klein**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Quigley and seconded by Mr. Myers to accept the recommendation and approve Mr. Klein's application for a Real Estate Appraiser Trainee license. The motion passed unanimously. Members voting "Yes" were Critzer, James, Johnson, Pruitt, Harry, Myers and Quigley.

File Number 2010-02308,
Robert Klein

In the matter of **File Number 2010-00050, William Leslie Decker**, the Board reviewed the Consent Order as seen and agreed to by Mr. Decker. A motion was made by Mr. Harry and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Decker admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.J (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.K.1 (Count 4) of the Board's 2008 Regulations and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, \$200.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, and \$1,000.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$2,900.00. In addition, for the violation of Count 1 through Count 4, Decker is required to complete a classroom 15-hour USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course. Upon successful course completion, Decker shall provide the Board with proof of passing the exam. Further, for violation of Count 1 through Count 4, Decker is required to complete an upper level Residential Appraisal Course approved by The Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Such course shall be a minimum of 30 classroom hours and shall not be a distance education course. Upon successful completion, Decker shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously.

File Number 2010-00050,
William Leslie Decker

Members voting "Yes" were Lewis, Myers, James, Pruitt, Quigley and Harry.

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of **File Number 2009-04233, Marjorie L. Layne**, the Board reviewed the Consent Order as seen and agreed to by Ms. Layne. A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Ms. Layne admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2003 Regulations and agrees to a monetary penalty of \$50.00 for the violation contained in Count 1, \$50.00 for the violation contained in Count 2, \$300.00 for the violation contained in Count 3, \$300.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$850.00. In addition, Layne is required to take an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of thirty (30) classroom hours and shall not be completed on-line. Upon successful completion of the course, Layne shall provide the Board with proof of passing the exam within six (6) months of the effective date of the Order. Also, Layne agrees to complete the fifteen (15) classroom hour USPAP course. The USPAP course shall not be completed on-line. Layne agrees to provide the Board with proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, James, Pruitt, Quigley and Harry.

File Number 2009-04233,
Marjorie L. Layne

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of **File Number 2009-01681, Edgar James Wilson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wilson. A motion was made by Mr. Harry and seconded by Mr. Pruitt

File Number 2009-01681,
Edgar James Wilson

to accept the proposed Consent Order wherein Mr. Wilson admits to a violation of 18 VAC 130-20-180.J (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations, 3 violations of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, 3 violations of 18 VAC 130-20-180.E (Count 4) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.K.1 (Count 5) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, \$400.00 for each violation contained in Count 3, \$300.00 for each violation contained in Count 4, and \$1,500.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$5,150.00. In addition, Wilson agrees to a one year suspension of his authority to supervise Appraiser Trainees. In addition, for violation of Count 1 through Count 5, Wilson is required to complete a classroom 15-hour USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Such course shall not be a distance education course. Upon successful course completion, Wilson shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed by majority vote. Members voting "Yes" were Myers, Pruitt, James, Johnson and Harry. Member voting "No" was Quigley.

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

Ms. Quigley turned the position of Chair over to Mr. Harry.

In the matter of **File Number 2010-00092, Ronald Lee Brvenik**, the Board reviewed the Consent Order as seen and agreed to by Mr. Brvenik. A motion was made by Mr. Pruitt and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Brvenik admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.C (Count 2) of the Board's 2008 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for violation of Count 1 through Count 2, Brvenik agrees to a thirty (30) day

Transfer of Chair

File Number 2010-00092,
Ronald Lee Brvenik

suspension of license. Further, for the violation of Count 1 and Count 2, Brvenik agrees to complete the fifteen (15) classroom hour USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the effective date of this order. Such course shall not be a distance education course. Upon successful course completion, Brvenik shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson and Harry.

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

In the matter of **File Number 2009-00068, April Taylor**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Taylor, respondent, and John Taylor, witness, were present and addressed the Board. A motion was made by Ms. Critzer and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-60.4 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, noting a correction to the Summary of the Informal Fact-Finding Conference to list Count 3 as 18 VAC 130-20-180.D instead of 18 VAC 130-20-180.E. The motion passed by majority vote. Members voting "Yes" were Critzer, James, Johnson and Harry. Members voting "No" were Pruitt and Myers.

File Number 2009-00068,
April Taylor

A motion was made by Ms. Critzer and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained Count 1, \$500.00 for the violation contained in Count 2, and \$500.00 for the violation contained in Count 3, for a total of \$2,000.00. The Board also imposes the following sanctions: probation of license until such time as Taylor presents evidence to the Board that she has completed an upper level Residential Appraisal Course approved by the Appraisal Foundation or by the Board. Such course shall be a minimum of

thirty (30) classroom hours and shall not be completed on-line. Such course shall not be a distance education course. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson and Harry.

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

Ms. Quigley returned and assumed the position Chair.

Transfer of Chair

The Board recessed from 11:53 A.M. to 12:05 P.M.

Break

In the matter of **File Number 2009-04487, Dee Ann Dennis**, the Board reviewed the Consent Order as seen and agreed to by Ms. Dennis. A motion was made by Mr. Harry and seconded by Mr. Myers to accept the proposed Consent Order wherein Ms. Dennis admits to a violation of 18 VAC 130-20-180.K.4 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.K.5 (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, and \$350.00 for the violation contained Count 2, as well as \$150.00 in Board costs for a total of \$850.00. In addition, Dennis agrees to revocation of license for violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson, Quigley and Harry.

File Number 2009-04487,
Dee Ann Dennis

In the matter of **File Number 2009-04011, Vicki Nicole Minor**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Critzer and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1), of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.J (Count 2), of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 3), of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.E (Count 4), of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson, Quigley and Harry.

File Number 2009-04011,
Vicki Nicole Minor

A motion was made by Mr. James and seconded by Mr. Myers to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation contained in Count 1, Count 2, Count 3 and Count 4. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson, Quigley and Harry.

In the matter of **File Number 2009-03856, Jeffrey L. Cummings**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Critzer and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.K.4 (Count 1), of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180-K.5 (Count 2), of the Board's 2008 Regulations, noting that the participant letter should read mailed via UPS instead of certified mail. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson, Quigley and Harry.

File Number 2009-03856,
Jeffrey L. Cummings

A motion was made by Ms. Critzer and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation contained in Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson, Quigley and Harry.

In the matter of **File Number 2009-02922, Janet Fuller**, the Board reviewed the Consent Order as seen and agreed to by Ms. Fuller. Ms. Fuller appeared, and addressed the Board still in agreement with the Consent Order. A motion was made by Mr. Myers and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Ms. Fuller neither admits nor denies to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2003 Regulations, and neither admits nor denies to a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$650.00 for the violation contained in Count 1, \$550.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,350.00. In addition, Fuller is required to take an upper level Residential Appraisal Course. Such course shall be offered by a

File Number 2009-02922,
Janet Fuller

member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be minimum of thirty (30) classroom hours and shall not be completed on-line. Upon successful completion of the course, Fuller shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Pruitt, James, Johnson, Quigley and Harry.

Ms. Martine updated the Board on the status of House Bill 408. No action was taken by the Board.

Administrative Issues

The Board discussed Mr. Dodd's proposal during public comment. No action was taken by the Board.

Old Business

There being no further business, the meeting adjourned at 12:30 P.M.

Adjourn

Diane Quigley, Chair

Jay W. DeBoer, Secretary